

**REMARKS**

Claims 1-12 are pending prior amending this application. The Examiner rejects claims 1, 4, 7 and 10 under 35 USC §102(e) as anticipated by Suzuki (U.S. Patent Application Publication No. 2001/0048662). The Examiner rejects claims 2, 5, 8 and 11 under 35 USC §103(a) as unpatentable over Suzuki in view of Bharucha (U.S. Patent Application Publication No. 2003/0081610). The Examiner rejects claims 3, 6, 7, and 12 under 35 USC §103(a) as unpatentable over Suzuki in view of Cloonan (U.S. Patent No. 6,898,182). Applicant amends claims 1, 3-4, 6-7, 9-10, and 12, adds claims 13-16, and cancels claims 2, 5, 8, and 11. Claims 1, 3-4, 6-7, 9-10 and 10-16 remain after amending this application. Applicant adds no new matter and requests reconsideration.

***Claim Rejections - § 102 and § 103***

The Examiner rejects claims 1, 4, 7 and 10 under 35 USC §102(e) as anticipated by Suzuki. The Examiner rejects claims 2, 5, 8 and 11 under 35 USC §103(a) as unpatentable over Suzuki in view of Bharucha. The Examiner rejects claims 3, 6, 7, and 12 under 35 USC §103(a) as unpatentable over Suzuki in view of Cloonan. Applicant respectfully traverses the Examiner's rejections.

Claim 1 discloses a device for receiving packets from a network and storing the received packets in a memory. When the size of the memory is reduced, one or more of the packets stored in the memory may have to be discarded from the memory to accommodate this reduced memory size. Since randomly discarding the packets may degrade a quality of service, packets include a comparative discardability code that allows a processor to selectively discard the packets stored in the memory.

Applicant therefore amends claim 1 to recite *a processor adapted to extract a comparative discardability code from at least one of the stored packets responsive to a reduction in the size of the memory*. Claims 4, 7, and 10 recite similar limitations. The Examiner alleges Suzuki's register 32 and selective transmission controller 31 disclose the recited memory and processor, respectively. There is no disclosure in Suzuki, however, of reducing the size of register 32. Nothing in Bharucha, nor Cloonan cures this deficiency as neither reference teaches or suggests adjusting the physical size of their buffers 29 and 205, respectively.

The Examiner further alleges Suzuki's IP packets and DS values disclose the recited packets and comparative discardability code, respectively. The selective transmission controller 31, however, obtains the DS values from IP packets within register 32 responsive to a potential overflow of buffer 4, not a reduction in the size of register 32 as the claim requires. Suzuki therefore does not anticipate claims 1, 4, 7, and 10, or their corresponding dependent claims.

Claim 1 further recites *the comparative discardability code identifies a class of speech corresponding to voice data associated with the stored packets.*

The Examiner alleges Suzuki's DS values disclose the recited comparative discardability code. The DS values, however, include a flow identifier and control code for indicating whether or not each packet contains video data for the top of a video frame. There is no disclosure in Suzuki of a comparative discardability code to identify the class of speech of the recited voice data. Suzuki therefore does not anticipate claim 1 or its corresponding dependent claims.

Claim 3 recites *a processor adapted to compare a plurality of the stored packets according to the extracted comparative discardability codes.* Claims 6, 9, and 12 recite similar limitations. Applicant has amended claims 3, 6, 9, and 12 to clarify that the processor compares multiple stored packets. According to the Examiner, Suzuki's IP packets and DS values disclose the recited stored packets and comparative discardability codes, respectively. There is no disclosure in Suzuki, however, of comparing multiple IP packets with each other, much less comparing them according to their DS values. Suzuki therefore does not anticipate claims 3, 6, 9, and 12 and their corresponding dependent claims.

#### *New Claims*

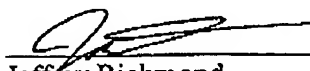
Applicant adds claims 13-16. Claims 13-14 depend from independent claim 4. Claims 15-6 depend from independent claim 1. Support for these new claims is provided in the specification as originally filed.

**CONCLUSION**

For the foregoing reasons, reconsideration and allowance of all amended claims remaining in the application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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